

August 15, 1996

OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON

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Seattle, Washington 98104
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REPORT AND RECOMMENDATION TO THE KING COUNTY COUNCIL.

SUBJECT: Department of Development and Environmental Services File No. L96P0006
Proposed Ordinance No. **96-602**

GREENFIELD PARK
Preliminary Plat Application

Location: West of 28th Avenue South and north of South 270th Street

Applicant: Novastar Development
18215 - 72nd Avenue South
Kent, WA 98032

Owner: Ida May Green
2602 South 207th Street
Kent, WA 98032

SUMMARY OF RECOMMENDATIONS:

| | |
|-------------------------|---|
| Division's Preliminary: | Approve, subject to conditions |
| Division's Final: | Approve, subject to conditions (modified) |
| Examiner's: | Approve, subject to conditions (modified) |

PRELIMINARY MATTERS:

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| Application submitted: | February 22, 1996 |
| Notice of complete application: | February 22, 1996 |
| Department Preliminary Report issued: | July 30, 1996 |

EXAMINER PROCEEDINGS:

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| Hearing Opened: | August 13, 1996, 9:15 a.m. |
| Hearing Closed: | August 13, 1996, 10:50 a.m. |

Participants at the proceedings and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the Office of the King County Hearing Examiner.

ISSUES ADDRESSED:

- Drainage
- Recreation
- Noise

FINDINGS, CONCLUSIONS & RECOMMENDATION: Having reviewed the record in this matter, the

Examiner now makes and enters the following:

FINDINGS:

1. General Information:

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| Owner: | Ida May Green 2602 South 207th Street Kent, WA 98032 |
| Applicant: | Novastar Development 18215 - 72nd Avenue South Kent, WA 98032 |
| Engineer: | Barghausen Consulting Engineers 18215 - 72nd Avenue South Kent, WA 98032 |
| STR: | NE/SW 28-22-04 |
| Location: | West of 28th Avenue South and north of South 270th Street |
| Zoning: | R-4-P |
| Acreage: | 6.65 acres |
| Number of Lots: | 27 |
| Typical Lot Size: | 3,406 to 6,141 square feet |
| Proposed Use: | Detached single-family residences |
| Sewage Disposal: | Midway Sewer District |
| Water Supply: | Highline Water District |
| Fire District: | Federal Way Fire District |
| School District: | Federal Way School District |
| Date of Application: | February 22, 1996 |
2. Novastar Development (the "Applicant") proposes to subdivide 6.65 acres into 27 single-family residential building lots. The proposed plat density would be 4.06 dwelling units per acre, with lot sizes ranging from 3,406 to 6,141 square feet, except for two lots (proposed Lot Nos. 6 and 27) which will be significantly larger. Proposed Lot No. 27 contains the residence of the current property owner, Ida May Green. Proposed Lot No. 6 comprises steep slopes.
3. An Environmental Impact Statement is not required. On June 11, 1996, the King County Department of Development and Environmental Services (the "Department") issued its threshold determination, in which it concluded that the proposal would not cause probable significant adverse impact upon the environment and that, therefore, an Environmental Impact Statement would not be required. No person or agency appealed that determination.
4. The Department recommends granting preliminary approval to the proposed plat, subject to 20 conditions of final plat approval. Nineteen of those conditions are stated on pages 5 through 8 of the Department's Preliminary Report to the Hearing Examiner dated August 13, 1996 (Exhibit No. 7). In its final report, the Department makes these changes and additions to that report:
 - a. Road improvements; Recommended Condition No. 9a. Recommendation No. 9a addresses required improvements to 28th Avenue South and South 270th Street. In its amendment (see Exhibit No. 8), the Department states that the existing centerline radius of 90 feet at the 28th/270th intersection will remain unchanged. The Department makes this amendment in order to prevent driving speeds to increase through this residential neighborhood.
 - b. Fencing; new Recommended Condition No. 20. The Department accepts the Applicant's voluntary offer to provide a fence along the north boundary of proposed Lot Nos. 1 through 5 and along that portion of the north boundary which lies adjacent to the proposed Lot No. 6 building pad. This proposed fence will screen the new residences on these lots from the King County Road Maintenance facility located immediately north.
 - c. Biofiltration swale sub-surface liner; new Recommended Condition No. 8d. In response to the westerly neighbor's concern regarding surface/groundwater seepage from the proposed Tract D biofiltration swale, the Applicant voluntarily offers to provide a sub-surface liner for the biofiltration swale. The Department accepts this offer.

Finally, the Department amends Section E, "Agencies Contacted", on page 2 of its Report, in

order to indicate that the City of Federal Way responded to notice of the proposed plat on June 26, 1996. The City indicated that it had "no comments".

5. The Applicant accepts the Department's recommendation as described in Finding No. 4, above.
6. Hearing testimony brought forward the following concerns:
 - a. Drainage. Stanley Tauscher, owner of the westerly abutting property, expressed concern regarding potential drainage discharges across his property. In response to that concern, the Applicant and the Department agreed to the additional condition indicated in Finding No. 4.c., above. In addition, drainage flows will be captured and directed northward, not westward. In response to this design feature, the King County Department of Transportation expresses concern that the drainage discharges from the subject property might mix with County "process water" within the Road Maintenance facility. The Department and the Applicant indicate that the drainage water will be directed in such a manner as to avoid on-site "industrial" waters. These features will assure that neither the westerly Tauscher property nor the northerly KCDOT property will be adversely affected by drainage discharge.
 - b. Noise. KCDOT indicates that noise from its operation might interfere with the residential tranquility of proposed Lot Nos. 1 through 6. KCDOT would prefer not to be subject to complaints from future lot owners. The Applicant indicates the north property line will probably be vegetated in the long term. In addition, the Applicant proposes to build a six-foot board fence to screen views of the KCDOT property. See Finding No. 4.b, above.

The Department observes that the entire neighborhood is noise impacted. This neighborhood lies within a Seattle-Tacoma International Airport flight path and adjacent to Interstate 5. In addition, the subject property is located near a Metro Park and Ride facility. See Exhibit No. 3. Both the Department and the Applicant are aware of these considerations, in addition to the KCDOT facility on the north boundary. It is the Applicant's intention to direct this project toward the small starter home market at the low end of the housing cost range. Although it is generally a noisy neighborhood, this is the type of neighborhood which is available to serve that low-end market. In other neighborhoods, land costs are too high.

In response to noise concerns raised by the westerly abutting property owner (Tauscher), the Department observes that the recreational facilities to be provided will be 50 to 100 feet from the lot boundary. The biofiltration swale is not proposed as a recreational facility.

7. Except as noted above, the facts and analysis contained in the Land Use Services Division Preliminary Report dated August 13, 1996 are correct and are incorporated here by reference. A copy of the Land Use Services Division report will be attached to those copies of the examiner's report which are submitted to the King County Council.
8. Any portion of any of the following conclusions which may be construed as a finding is incorporated here by reference.

CONCLUSIONS:

1. Based upon the whole record, and according substantial weight to the determination of environmental significance made by the Environmental Division, it is concluded that approval of this subdivision as recommended below would not constitute a major action significantly affecting the quality of the environment. All evidence of environmental impact relating to the proposed action and reasonable alternatives to the proposed action have been included in the review and consideration of this action.
2. If approved subject to the conditions recommended below, the proposed subdivision will comply with the goals and objectives of the Comprehensive Plan, Subdivision and Zoning Codes, and other official land use controls and policies of King County.

- 3. If approved subject to the conditions recommended below, this proposed subdivision will make appropriate provision for the public health, safety and general welfare and for drainage ways, streets, other public ways, water supply, and sanitary wastes; and it will serve the public use and interest.
- 4. The conditions recommended in the Land Use Services Division's Preliminary Report as amended below are in the public interest and are reasonable requirements.

RECOMMENDATION:

GRANT PRELIMINARY APPROVAL to the proposed plat of GREENFIELD PARK, DDES File No. L96P0006, subject to the 19 conditions of final plat approval contained on pages 5 through 8 of the Department of Development and Environmental Services Preliminary Report to the King County Hearing Examiner dated August 13, 1996 (Exhibit No. 7), SUBJECT to the following changes and additions:

- A. Recommended Condition No. 9a. AMEND to read as follows:

The west half of 28th Avenue South and the north half of South 270th Street shall be improved to Urban Neighborhood Collector standards for the full frontage of the proposed plat. Improvements will include a widening to provide a 16-foot pavement width measured from the centerline with vertical curb and sidewalk. Grade will be compatible with the existing street at this location. The applicant's engineering plans shall address the requirements of KCRS 4.01F regarding street widening of existing roads. The existing centerline radius of 90 feet at the intersection of 28th Avenue South and South 270th Street will remain unchanged.

- B. New Condition No. 20. ADD a new Condition No. 20 which reads as follows:

The applicant shall install a six-foot-tall view obscuring fence along the north boundaries of proposed Lot Nos. 1 through 5 and along a sufficient portion of the north boundary of Lot No. 6 to screen the building pad from viewing King County Department of Transportation operations conducted on the northerly abutting Tax Lot No. 203. The precise location, design, and materials of the fence may be determined by the applicant. However, the Department must approve the fence as to durability and longevity.

- C. New Condition No. 8d. ADD a new Condition No. 8d which will read as follows:

A sub-surface liner shall be installed beneath the biofiltration swale in order to prohibit westerly sub-surface water migration.

RECOMMENDED this 15th day of August, 1996.

R. S. Titus, Deputy
King County Hearing Examiner

TRANSMITTED this 15th day of August, 1996, to the following parties and interested persons:

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|----------------------------|---------------------------|----------------------------|
| Tom Barghausen | Ida May Green | G. Wayne Potter |
| Barghausen Consulting | 2602 S 270th Street | Novastar Development, Inc. |
| Engineers | Kent, WA 98032 | 18215 - 72nd Avenue S |
| 18215 - 72nd Avenue South | | Kent, WA 98032 |
| Kent, WA 98032 | Bill Grover | |
| | 8112 NE 125th Street | John L. Scott Land Dept. |
| Dana and Karen Clausen | Kirkland, WA 98034 | 3380 - 146th Pl. SE, Suite |
| 7860 NE 124th Street | | 450 |
| Kirkland, WA 98034 | Hal Grubb | Bellevue, WA 98007-6472 |
| | Barghaussen Engineers | |
| Kenneth and Judith Dearden | 18215 - 72nd Avenue South | Stanley Tauscher |
| 8050 NE 124th Street | Kent, WA 98032 | 4264 E. Possession Road |
| Kirkland, WA 98034 | | Clinton, WA 98236-9410 |
| | Peter Neill | |
| Clinton Glow | 8227 NE 125th Court | |
| 26826 - 28th Avenue SW | Kirkland, WA 98034 | |
| Kent, WA 98032 | | |

Jon Cassidy, KC Dept. of Transportation/Road Maintenance Section
 Marilyn Cox, DDES/Land Use Services Division
 Gary Kohler, DDES/Land Use Services Division
 Tom Koney, Metropolitan King County Council
 Gary Kriedt, KC Dept. of Transportation/Transit Division
 Richard Lowe, DDES/Land Use Services Division
 Aileen McManus, DDES/Land Use Services Division
 Michaelene Manion, DDES/Land Use Services Division
 Joe Miles, DDES/Land Use Services Division
 Paulette Norman, KC Dept. of Transportation/Road Services Div.
 Lisa Pringle, DDES/Land Use Services Division
 Randy Sandin, DDES/Building Services
 Steve Townsend, DDES/Land Use Services Division
 Bruce Whittaker, DDES/Land Use Services Division

NOTICE OF RIGHT TO APPEAL
AND ADDITIONAL ACTION REQUIRED

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) on or before August 29, 1996. If a notice of appeal is filed, the original and 6 copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council on or before September 5, 1996. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council may adopt the Examiner's recommendation, may defer action, may refer the matter to a Council committee, or may remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council approving or adopting a recommendation of the Examiner shall be final and conclusive unless a proceeding for review pursuant to the Land Use Petition Act is commenced by filing a land use petition in the Superior Court for King County and serving all necessary parties within twenty-one (21) days of the date on which the Council passes an ordinance acting on this matter.

MINUTES OF THE AUGUST 13, 1996 PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L96P0006 - GREENFIELD PARK:

R.S. Titus was the Hearing Examiner in this matter. Participating in the hearing were Gary Kohler, Richard Lowe, Jon Cassidy, Tom Barghausen, and Stanley Tauscher.

The following exhibits were offered and entered into the record:

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| Exhibit No. 1 | Department of Development and Environmental Services File No. L96P0006 - Greenfield Park |
| Exhibit No. 2 | Preliminary plat map (3 sheets), dated July 9, 1996 |
| Exhibit No. 3 | Kroll maps 364E and 364W |
| Exhibit No. 4 | Level One Drainage Analysis |
| Exhibit No. 5 | Environmental Checklist |
| Exhibit No. 6 | Letter from Stanley Tauscher, dated August 3, 1996 |
| Exhibit No. 7 | Department of Development and Environmental Services Preliminary Report to the King County Hearing Examiner for the August 13, 1996 public hearing |
| Exhibit No. 8 | Department of Development and Environmental Services, Land Use Services Division Staff recommended addition to Condition No. 9a |